

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

JIMMY S. HAYNES

PLAINTIFF

v.

3:04CV00308 JTR

JO ANNE B. BARNHART,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Pending before the Court¹ is Plaintiff's Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the Equal Access to Justice Act ("EAJA"), along with a Memorandum in Support (docket entry #13). Defendant has filed a Response (docket entry #15). For the reasons set forth herein, the Motion will be granted.

On September 2, 2004, Plaintiff filed this action challenging the decision of an Administrative Law Judge ("ALJ") denying him social security benefits (docket entry #2). On June 2, 2005, the Court entered an Order and Judgment (docket entries #11 and #12) remanding the case to the ALJ pursuant to sentence four of 42 U.S.C. § 405(g) and *Buckner v. Apfel*, 213 F.3d 1006, 1010-11 (8th Cir. 2000).

On August 2, 2005, Plaintiff's attorney, Mr. Anthony W. Bartels, filed a Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the EAJA. In this Motion, Mr. Bartels seeks payment for 1.50 hours of work performed by an attorney, 15.05 hours of work performed by a paralegal, and reimbursement for \$13.95 in expenses. Pursuant

¹ On September 10, 2004, the parties consented to proceed before a United States Magistrate Judge (docket entry #4).

to an agreement between The Bartels Law Firm and the Office of General Counsel of the Social Security Administration (docket entry #13, attachment), Mr. Bartels seeks payment for 1.50 hours of attorney time during 2004-05 at the adjusted hourly rate of \$152.00. Mr. Bartels seeks payment for 15.05 hours of paralegal time at the rate of \$65 an hour and \$13.95 in expenses. Defendant does not object to the requested amounts for attorney's fees and expenses.

Under these circumstances, the Court concludes that Plaintiff is entitled to an award of fees and expenses under the EAJA, and that the amount requested by Plaintiff's attorney is reasonable. Accordingly, Plaintiff's attorney shall receive a total award of \$1,220.20, which includes: (1) 1.50 hours of attorney time at the rate of \$152.00 per hour (\$228.00); (2) \$978.25 in paralegal fees; and (3) \$13.95 in expenses.

IT IS THEREFORE ORDERED that Plaintiff's Motion for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (docket entry #13) is hereby GRANTED.

IT IS FURTHER ORDERED that the Commissioner shall certify and pay to Mr. Anthony W. Bartels, attorney for Plaintiff, \$1,220.20, which has been awarded as fees and expenses pursuant to the EAJA.

DATED this 23rd day of August, 2005.


UNITED STATES MAGISTRATE JUDGE